

VILLAGE OF BARRINGTON

ORDINANCE NO. 06-5294

TWELFTH AMENDMENT TO THE TEXT OF THE ZONING ORDINANCE
OF THE VILLAGE OF BARRINGTON ADOPTED ON MARCH 19, 2001
(Ordinance No. 01-2919)

(RE: Chapter 2, "Definitions"; Chapter 3, "Ordinance Administration";
Chapter 4, "General Regulations"; Chapter 7, "Business Districts";
and Chapter 11, "Planned Developments")

ADOPTED BY THE
CORPORATE AUTHORITIES
OF THE

VILLAGE OF BARRINGTON

THIS 27th DAY OF February, 2006

Published in pamphlet form by authority of the Corporate Authorities of the Village of Barrington,
Illinois, this 1st day of March, 2006.

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(RE: Chapter 2, "Definitions"; Chapter 3, "Ordinance Administration";
Chapter 4, "General Regulations"; Chapter 7, "Business Districts";
and Chapter 11, "Planned Developments")

WHEREAS, the Corporate Authorities of the Village of Barrington, Cook and Lake Counties, Illinois ("Barrington") have heretofore exercised the power conferred on them pursuant to Chapter 65 ILCS 5/11-13 et seq. by adopting a new Zoning Ordinance on or about March 19, 2001 (Ordinance No. 01-2919); and

WHEREAS, it is the desire of the Corporate Authorities of the Village of Barrington to amend the provisions of the Barrington Zoning Ordinance relative to, among other things, permitted uses in the B-1 General Business Service Zoning District and the B-4 Village Center Zoning District; and

WHEREAS, the Petition has been referred to Barrington's Plan Commission and the Plan Commission, after due publication of notice thereof as required by law, held a public hearing on January 25, 2006 and has made recommendations to the President and the Board of Trustees with respect to the matters set forth in the Petition; and

WHEREAS, the President and Board of Trustees of the Village desire to amend the text of the Village of Barrington Zoning Ordinance (Ordinance No. 01-2919), as amended, as hereinafter provided:

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington, Cook and Lake Counties, Illinois, that:

SECTION 1: The President and Board of Trustees find that the facts stated in the preamble of this Ordinance are true and correct and are incorporated into the text of this Ordinance to the same extent as if each had been set forth herein in its entirety.

SECTION 2: The term "Zoning Ordinance" as used herein shall mean and refer to the new Zoning Ordinance of the Village of Barrington (Ordinance No. 01-2919, as amended, also referred to as the "Barrington Zoning Ordinance") including all amendments made thereto which such amendments were made prior to the effective date of this Ordinance.

SECTION 3: Chapter 2, "Definitions", of the Zoning Ordinance shall be amended as hereinafter set forth:

A. The following definitions shall be and are hereby deleted from Chapter 2 of the Zoning Ordinance:

- (1) **MUSIC CONSERVATORY.** An educational facility where music and/or dramatic classes are taught to five (5) or more persons at a time.
- (2) **RESTAURANT, CARRY-OUT.** An establishment which, by design of physical facilities or by service or packaging procedures, permits or encourages the purchase of prepared, ready-to-eat foods intended to be consumed off the premises. A carry-out restaurant is distinguished from a fast-food restaurant in that it does not include a sit-down dining area, with the exception that seats may be provided for carry-out patrons waiting for food.
- (3) **RESTAURANT, DRIVE-THROUGH.** An establishment whose business is the sale of food and beverages to the customer in ready-to-consume state for consumption, which uses drive-through facilities to perform all, or a portion of its transactions. See Drive-Through Facilities.
- (4) **RETAIL SERVICES ESTABLISHMENTS:** A building, property or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term "retail services establishment" shall include, but shall not be limited to, barber shops, beauty parlors, photo services and studios, shoe repair shops, travel services and the like. "Retail service establishment" shall not include currency exchanges, laundromats, laundry and dry cleaning establishments, pawnshops, tailoring shops, tattoo parlors, or any use or other type of establishment which is otherwise listed as a "permitted use" or a "special use" anywhere in this Ordinance.

B. The following definitions shall be and are hereby added to Chapter 2 of the Zoning Ordinance:

- (1) **ACADEMIES:** Schools which principally offer, ~~for profit,~~ training or instruction in dance, drama, gymnastics, martial arts, wrestling, music, and the like.
- (2) **ARTS OR CRAFTS SCHOOLS:** Schools which primarily instruct in fine and applied arts and may include accessory sale of fine arts and craft products.

- (3) DAY SPAS: Facilities which offer a variety of personal grooming services, ~~such as~~ including but not limited to hair, skin, nail and facial treatments. Therapeutic or relaxation services, such as tanning, baths, and licensed massage therapy may also be included as ~~necessary elements of~~ part of the personal services offered at day spas. A Day Spa is a type of Personal Services Establishment.
- (4) FOOD USE, ACCESSORY: A snack bar or refreshment stand at a public or private swimming pool, playground, playfield, fitness center, or park operated by the agency or group or approved vendor operating the recreational facility for the convenience of patrons of the facility.
- (5) PERSONAL SERVICES ESTABLISHMENTS: A building, property or activity where service provided is a personal service to the physical person, i.e. barber shop, beauty parlors, nail salons, day spa and the like. "Personal Service Establishment" shall not include currency exchanges, laundromats, laundry and dry cleaning establishments, pawnshops, photography studios, shoe repair shops, tailoring shops, tanning salons, tattoo parlors, travel agencies, medical, dental, vision or chiropractic offices, or any use or other type of establishment which is otherwise defined or listed as a "permitted use" or a "special use" anywhere in this Ordinance.
- (6) RESTAURANT, CARRY-OUT ONLY (no drive-through). A building within which there is prepared a variety of food for consumption off premises only and no seating for consumption of food is provided.
- (7) RESTAURANT, QUICK-SERVE (no drive-through): A building in which there is prepared a variety of food which may or may not be primarily for consumption on premises, which offers some seating but does not utilize servers for table ordering.
- (8) USE WHICH GENERATES RETAIL SALES TAX GENERATING USE: A use in which 50% of gross revenues are derived from the sale of physical goods, products or merchandise directly to the consumer on premises for which the seller is obligated by Illinois State law to collect retail sales tax.

C. The following definitions in Chapter 2 of the Zoning Ordinance shall be and are hereby amended to read as follows:

- (1) FLOOR AREA, NET. For the purposes of calculating off-street parking requirements, the sum of the gross horizontal area of the floor(s) of a building, excluding: 1) floor area devoted to permanent storage; 2) floor area devoted to off-street parking and loading facilities, including aisles and maneuvering space; 3) basement floor area other than the area devoted to retailing activity, production or processing of goods, or business or professional offices; 4) mechanical rooms; 5) stairwells; and 6) shafts devoted to elevators, wiring or mechanical equipment; 7) food preparation areas; and 8) restrooms.

- (2) RESTAURANT, FULL SERVICE, SIT-DOWN (no drive-through). A building within which there is prepared, and served at tables by servers, a variety of prepared food for consumption primarily on the premises, typically on reusable dinnerware, and where more than sixty percent (60%) of the gross volume is derived from the sale of foods served for consumption on the premises. A Full Service Sit-down Restaurant may offer carry-out as an accessory use. ~~However, a snack bar or refreshment stand at a public or private swimming pool, playground, playfield, or park operated by the agency or group or approved vendor operating the recreational facilities and for the convenience of patrons of the facility shall be deemed to be a restaurant. "Restaurant" excludes restaurant sub-types defined herein.~~
- (3) RESTAURANT, FAST FOOD: A building within which there is prepared a variety of food which may or may not be consumed on premises, table service is not provided and drive-through facilities are provided. An establishment whose principal business is the sale of food and beverages to the customer in ready-to-consume state for consumption either within the restaurant building or for carry out with consumption off the premises, and whose design or principal method of operation permits or encourages self service, high turnover dining.
- (4) RETAIL GOODS ESTABLISHMENT: A building, property, or activity, the principal use or purpose of which is the sale of physical goods, products, or merchandise directly to the consumer, including specialty food sales. In order to qualify as a "Retail Goods Establishment", at least 50% of gross revenues shall be from the sale of physical goods, products or merchandise directly to the consumer on premises for which the seller is obligated by Illinois State law to collect retail sales tax. "Retail goods establishment" shall not include any use or other type of establishment, which is otherwise defined or listed as a "permitted use" or a "special use" anywhere in this Ordinance.

SECTION 4: Section 3.15, "Special Uses", of Chapter 3 of the Zoning Ordinance shall be and is hereby amended to read as follows:

3.15 SPECIAL USES

A. Establishment and Purpose

The development and execution of this Ordinance is based upon the division of the Village into districts within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are special uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location. The special use process is hereby created to address these unique circumstances and to regulate these uses to protect the public health, safety and welfare.

B. Authority

The Village Board of Trustees may, following review and recommendation by the Zoning Board of Appeals, approve by ordinance, deny, or refer back to the Zoning Board of Appeals for reconsideration or clarification, development proposals for uses listed as special uses within each zoning district in accordance with the procedures and standards set forth in this Section and other regulations applicable to the district in which the subject property is located.

C. Parties Entitled to Seek Special Use

Parties entitled to apply for a special use permit shall be limited to the property owner, agent of the property owner, or the contract purchaser of subject property, with the consent of the property owner.

D. Procedures

1. Application. Applications for a special use permit shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearings).
2. Action by Zoning Official. Upon receipt of a properly completed application for a special use permit, the Zoning Official shall prepare a staff report and forward this report to the Zoning Board of Appeals for review.
3. Action by Zoning Board of Appeals.
 - a. The Zoning Board of Appeals shall hold a public hearing on the application in accordance with the requirements of Section 3.7. Notice for the public hearing shall be performed in the manner prescribed by Section 3.7(C).
 - b. Within thirty (30) days of the close of the public hearing, the Zoning Board of Appeals shall forward its recommendation of either approval, approval with modifications, or disapproval in writing to the Village Board of Trustees.
4. Action by Village Board of Trustees.
 - a. The Village Board of Trustees shall act to approve, approve with modifications, or disapprove of the application within thirty (30) days of receipt of the Zoning Board of Appeals recommendation, or at the next available regularly scheduled meeting thereafter. The failure of the Village Board of Trustees to act at such time or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.
 - b. If the application is approved or approved with modifications, the Village Board of Trustees shall instruct the Zoning Official to issue a special use permit, upon adoption of a special use ordinance, listing

any specific conditions specified by the Board of Trustees or the Zoning Board of Appeals. If the application is disapproved, the Village Board of Trustees shall instruct the Zoning Official to provide the applicant with written notification of the Board's decision.

E. General Standards for Special Uses

An application for a special use permit shall not be approved unless the application is determined to be in conformance with each of the following standards:

1. The proposed special use is, in fact, a special use listed and authorized in the zoning district regulations within which the property is located.
2. The proposed special use is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.
3. The proposed special use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
4. The proposed special use will not significantly diminish the safety, use and enjoyment of surrounding property.
5. The proposed special use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the establishment of the proposed special use shall provide adequately any such services.
6. The proposed special use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community.
7. The proposed special use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. The proposed special use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares.
9. The proposed special use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
10. The proposed special use complies with all additional regulations in this Ordinance specific to the special use requested.

Additionally, the following standards shall be given consideration:

11. The existing uses and zoning of nearby property.
12. The extent to which property values are diminished by the particular zoning restrictions.
13. The extent to which limitation or destruction of property values of the petitioner promotes the general health, safety, and welfare.

14. The relative gain to the public as compared to the hardship imposed upon petitioner.
15. The suitability of the particular property for the purpose for which it is now zoned.
16. The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.
17. The care with which the community has undertaken to plan its land use development.
18. The evidence or lack of evidence of community need for the use proposed by the property owner.

F. Specific Standards for Specific Special Uses

Due to their potential for detrimental effects, the following uses, where listed as a special use within a zoning district, shall, in addition to other special use standards that may apply, meet the specific standards listed below:

1. Special Uses that are not Retail Sales Tax Generating Uses
 - a. The standards in this Section 3.15.F(1) shall apply to all ~~non-retail sales tax generating special~~ uses which do not generate retail sales tax, in addition to other standards that may apply to specific types of uses.
 - b. Conversion of ~~an existing use which generates retail sales tax generating sites~~ to ~~non-retail sales tax generating sites~~ a use which does not generate retail sales tax has an adverse effect on the retail sales tax base of the Village. Where a ~~non-retail sales tax generating special~~ use which does not generate retail sales tax is proposed on a site currently or most recently occupied by a ~~retail sales tax generating use which generates retail sales tax~~, evidence shall be provided that the benefits to the community provided by the proposed special use are greater than the benefits provided by a ~~retail sales tax generating use which generates sales tax~~ on the site.
 - c. A first floor ~~non-retail special use which does not generate retail sales tax generating uses~~ proposed within the B-1 and or B-4 zoning districts as part of a larger retail developments shall only be approved if substantial evidence is provided that the ~~non-retail sales tax generating uses proposed special uses(s)~~ are instrumental in allowing the larger retail development to go forward.
 - d. First floor ~~non-retail special uses which do not generate retail sales tax generating uses~~ proposed within the B-1 and or B-4 zoning districts as part of larger retail developments shall constitute no more than 20% of the first floor area of the development unless substantial evidence is provided that the use of more than 20% of the first floor area of the development as ~~non-retail a special use or uses which is or are not retail sales tax generating uses~~ is instrumental in allowing the larger retail sales tax generating development to go forward or otherwise enhances the retail sales tax base of the Village in some substantial manner.

2. Financial Institutions

- a. Within the B-4 Village Center Business District, a financial institution shall be permitted only as a component of a larger retail development.
- b. Where applicable, a financial institution developed as part of a larger retail development shall be placed at a secondary intersection of the development, unless located above the first story.

3. Gas Stations

- a. The number of access points shall be minimized so as to ~~encourage the most optimum~~ optimize traffic movement and circulation ~~pattern into in~~ public roadways.
- b. Gas stations located in existing or proposed larger developments shall provide access interconnection with the larger development.
- c. Where applicable, gas stations developed as part of a larger development shall be located at a secondary intersection of the development.

4. Drive-Through Facilities

- a. Drive-through facilities shall provide stacking spaces as designated in Chapter 4 Part 2 of the Zoning Ordinance or an approved equivalent.
- b. Drive-through facilities must provide comfortable and safe drive-around aisles.
- c. If adjacent to a residential district, drive-through hours of operation shall be limited *and outdoor use of loud speakers shall be prohibited*.

5. Car Washes

- a. All car wash installations shall be equipped with a system for recycling a minimum of ninety percent (90%) of the water used by the facility.
- b. Rumble strips with trench drains and grates to intercept water dripping from vehicles or similar design features shall be provided to minimize the amount of water carried out of the facility onto adjacent streets.
- c. Car washes shall have an emergency plan to address hazardous situations that may arise due to insufficient water interception.
- d. Stacking shall be provided in accordance with Chapter 4 Part 2 of the Zoning Ordinance.
- e. If adjacent to a residential district, one hundred percent (100%) screening of vehicle areas shall be provided.
- f. If adjacent to a residential district or use, hours of operation shall be limited *and outdoor use of loud speakers shall be prohibited* in order to minimize disturbance to neighbors.
- g. Exterior vacuums shall be located a minimum of one hundred (100) feet from a residential use.
- h. An engineer's report shall be provided documenting that reasonably anticipated noise levels will not exceed the maximum allowable noise levels of the district in which the car wash is to be located.
- i. At the owner's expense, car washes shall provide trained personnel and equipment to conduct Village-supervised noise level tests subsequent to commencement of operations.

6. Dry Cleaners

Documentation shall be submitted sufficient for the Village to verify that proposed operations will be in compliance with all applicable ~~air and water~~ *emission environmental* regulations.

G. Supplementary Safeguards and Conditions

The Zoning Board of Appeals may recommend, and the Village Board of Trustees may provide, such conditions and restrictions upon the construction, location and operation of a special use as may be deemed necessary to promote the general objective of this Ordinance and to minimize any injury to the value of property in the neighborhood. Such conditions shall be expressly set forth in the ordinance granting the special use permit and shall be recorded by the property owner as a supplement to the deed for the property in the County Recorder's Office. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such special use permit, pursuant to Section 3.20 (Violations and Penalties).

H. No Presumption of Approval

The listing of special uses within each zoning district does not constitute an assurance or presumption that such special uses will be approved. Rather, each proposed special use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this Section 3.15, and with the standards for the district in which it is located, in order to determine whether approval of the special use is appropriate at the particular location and in the particular manner proposed.

I. Limitation on Special Uses

1. A special use permit shall automatically become null and void unless a building permit is issued and construction is actually begun within ~~in~~ one (1) year of issuance and is thereafter diligently pursued to completion. However, the Village Board of Trustees may extend the one (1) year period to a mutually agreed upon time.
2. A special use permit authorizes the conduct of the special use only on the property represented in the application and is not transferable to other properties.

J. Effect of Approval

The approval of a special use permit application by the Village Board of Trustees shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by

the regulations of the Village including, but not limited to, a Zoning Certificate and a building permit.

SECTION 5: Paragraph E, “Standards”, of Section 3.19 of Chapter 3 of the Zoning Ordinance shall be and is hereby amended to read as follows:

E. Standards

Board of Trustees approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decision, the Board of Trustees shall consider the following factors:

1. The extent to which the proposed amendment is consistent with the goals, objectives and policies of the Village's Comprehensive Plan (text and map amendments).
2. The extent to which the proposed amendment fosters harmony and consistency of character in the surrounding area (map amendments).
3. The extent to which the proposed amendment adversely impacts adjacent properties (map amendments).
4. The potential effect of the proposed amendment on the character of future development if applied generally to other uses in the zoning district or within the Village as a whole (text amendments).
5. The extent to which the proposed amendment creates nonconformities (text amendments).
6. The adequacy of public facilities and services to serve the subject property including, but not limited to, streets, utilities, parks, and police and fire service (map amendments).
7. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance (text amendment).
8. The extent to which the proposed text and/or map amendment, if found to be consistent with the goals, objectives and policies of the Village's Comprehensive Plan, will also further the Village's *specific* goal of maintaining and/or increasing the retail sales tax base of the Village.

SECTION 6: Paragraph D, “Lighting Standards Applying to All Light Sources”, of Section 4.9 of Chapter 3 of the Zoning Ordinance shall be and is hereby amended to read as follows:

D. Lighting Standards Applying to All Light Sources

The following standards are required of all exterior lighting:

1. All cut-off light fixtures shall be designed with a hood that shields the light source and is directed downwards at all times.
2. No flickering or flashing lights shall be permitted, other than holiday lighting exempted under Section 4.9(B)(3).
3. Flood lights are not permitted in front yards.

4. Lighting levels shall be measured in foot-candles with a direct-reading, portable light meter. Readings shall be taken at heights between six (6) feet above the ground and six (6) inches above the ground, at a position facing the light source. Readings shall be taken only after the meter has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question in operation, and then turned off. The difference between the two (2) readings shall be compared to the maximum permitted illumination. This procedure eliminates the effects of moonlight and other ambient light.
5. For all special uses or planned developments, The ~~Village~~ Zoning Official may require cut-off shielding beyond the amount necessary to meet property line foot candle maximum limits, in order to reduce point source nuisances.

SECTION 7: Section 4.10-7, "Collective/Shared Parking", of Chapter 4 of the Zoning Ordinance shall be and is hereby amended to read as follows:

4.10-7 COLLECTIVE/SHARED PARKING

Nothing in this Chapter shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more uses, subject to the following conditions:

- A. A zoning certificate for such collective/shared parking use shall be issued pursuant to Chapter 3 of this Ordinance.
- B. ~~Except as provided in Section 4.10-8 below,~~ The total of such off-street parking spaces, supplied collectively, shall not be less than the sum of the requirements for the uses separately, except as follows:
 1. The total required number of off-street spaces is permitted to be determined by *written* administrative decision *by the Zoning Official* subject to approval ~~of by~~ the Board of Trustees.
 2. Where the total required number of off-street spaces is determined by *written* administrative decision *of the Zoning Official, and approved by the Board of Trustees*, the determination shall apply only to the uses as proposed at the time of administrative review.
 3. Where the total required number of off-street spaces is determined by *written* administrative decision, *such* determination shall no longer apply should a change of use or an increase in the intensity of use occur.
- C. All other applicable requirements of this Chapter are met.
- D. A legal instrument is required establishing that the parking spaces shall be maintained so long as the uses requiring parking are in existence or unless the required parking is provided elsewhere in accordance with this Chapter and approved as a special use, in accordance with Section 3.15 (Special Uses). Special use approval shall be subject to execution by all parties so providing parking collectively. The instrument shall be filed with the application for a zoning certificate.

SECTION 8: Section 4.10-8, "Stacking Requirements for Drive-Through Facilities and Car Washes", of Chapter 4 of the Zoning Ordinance shall be and is hereby amended to read as follows:

4.10-8 STACKING REQUIREMENTS FOR DRIVE-THROUGH FACILITIES AND CAR WASHES

Every drive-through facility ~~including, but not limited to, car washes and financial institutions,~~ shall provide a minimum of seven (7) on-site stacking spaces per facility, plus one (1) stacking space per waiting/service area provided, ~~unless otherwise provided in this Section 4.10-8.~~ The stacking spaces shall be designed to be entirely located on-site and not interfere with the ingress and egress of the off-street parking provided on the site.

A. Restaurant Drive-Through Facilities

Stacking spaces at a rate of 8 parking spaces per drive-through lane shall be provided. The stacking spaces shall be designed to be entirely located on-site, shall not interfere with the ingress or egress for the parking provided on the site and shall not impede traffic on adjacent roadways. The length of each stacking space shall be 22 feet.

B. Pharmacy Drive-Through Facilities

Stacking spaces at a rate of 3 parking spaces per drive-through lane shall be provided. The stacking spaces shall be designed to be entirely located on-site, shall not interfere with the ingress or egress for the parking provided on the site and shall not impede traffic on adjacent roadways. The length of each stacking space shall be 22 feet.

C. Bank Drive-Through Facilities

Stacking spaces equivalent to a rate of 8 parking spaces for the first drive-through lane and 3 parking spaces for each additional lane shall be provided. The stacking spaces shall be designed to be entirely located on-site, shall not interfere with the ingress or egress for the parking provided on the site and shall not impede traffic on adjacent roadways. The length of each stacking space shall be 22 feet.

D. Car Wash Stacking

Stacking spaces at a rate of 7 spaces for each wash rack plus 1 parking space for each employee during the peak shift. Stacking shall be isolated from the parking and other circulation by a median and shall not impede traffic on adjacent roadways. The length of each stacking space shall be 22 feet.

SECTION 9: The “Commercial Uses” portion of Section 4.10-10, “Off-Street Parking Requirements”, of Chapter 4 of the Zoning Ordinance shall be and is hereby amended to read as follows:

Commercial Uses	
Academies	1 space per student of peak classes. If instruction is offered solely to students under the age of sixteen, 5 spaces per 1,000 square feet of net floor area, plus drop-off facilities as determined by the Zoning Official.
Adult Uses	6.67 spaces per 1,000 sq. ft. of gross floor area
Ambulance Services	1 space per employee, plus 1 space for every 2 ambulance vehicles
Arts and Crafts Schools	1 space per student of peak classes. If instruction is offered solely to students under the age of sixteen, 5 spaces per 1,000 square feet of net floor area, plus drop-off facilities as determined by the Zoning Official.
Art Studios	3.3 spaces per 1,000 sq. ft. of gross floor area
Automobile Repair Service	2 spaces per service bay, plus 5 spaces per 1,000 sq. ft. of accessory retail
Automotive Sales	5 spaces per 1,000 sq. ft. of gross floor area, plus 1 space for every 10 vehicle display spaces
Banks and Financial Institutions	3.3 spaces per 1,000 sq. ft. of gross floor area
Bed and Breakfast Establishments	1 space per guest room
Car Washes	2 stacking spaces for each self-service bay, plus 7 stacking spaces per automated washing facility, plus 1 space per employee.
Day Care Centers	3.3 spaces per 1,000 sq. ft. of gross floor area
Funeral Homes	1 space for every 4 seats in each chapel or parlor, plus 1 space for every company vehicle. However, in no event shall the use provide less than 50 spaces
Furniture and Appliance Stores	1.67 spaces per 1,000 sq. ft. of gross floor area
Gas Stations	2 spaces per pump, plus 5 spaces per 1,000 sq. ft. of accessory retail, plus 2 spaces per repair bay, plus 1 space per vehicle used in the conduct of business (such as tow trucks, etc.), plus 1 space for each employee during the peak shift.
Grocery Store	3.3 spaces per 1,000 sq. ft. of gross floor area
Hotels or Motels	1 space per guest room, plus 2.5 spaces per 1,000 sq. ft. of area devoted to offices and public assembly
Laundromats	0.1 spaces per 1,000 sq. ft. of gross floor area
Medical and Dental Clinics and Offices	3 spaces per examination room
Mini-Warehouse	5 space minimum plus 0.5 per 1,000 sq. ft. of gross floor area
Music Conservatories	1 space for each employee, plus 1 space for each 3 students. (Student occupancy is to be defined as the maximum occupancy of the room or rooms used for school purposes as determined by the Zoning Official.
Nurseries, Building Material Yards, Equipment Rental, and Boat/Recreational Vehicle Sales and Similar Uses	3 spaces per 1,000 sq. ft. of gross floor area
Offices, Not Elsewhere Classified	3 spaces per 1,000 sq. ft. of gross floor area. In B-4 District, first 1,000 sq. ft. above first floor exempt.

Commercial Uses	
<u>Restaurant, Carry-Out Only</u>	8 parking spaces per 1,000 square feet of net floor area, plus 1 space for each employee during the peak shift.
<u>Restaurant, Full Service, Sit-Down</u>	10 parking spaces per 1,000 square feet of net floor area (including outdoor dining) or 1 space for every 4 seats (including outdoor dining), whichever is greater, plus 1 space for every 3 employees each employee during the peak shift. Spaces provided for curbside pick-up service shall be in addition to the otherwise required number of spaces.
<u>Restaurant, Fast Food</u>	20 spaces per 1000 sq. ft. of net floor area (including outdoor dining), or 1 space for every 4 seats (including outdoor dining), whichever is greater, plus 1 space for every 3 employees each employee during the peak shift. Spaces provided for additional drive-through waiting areas shall be in addition to the otherwise required number of spaces.
<u>Restaurant, Quick-Serve</u>	Less than 2,000 square feet of gross floor area - 8 parking spaces per 1,000 square feet of net floor area (including outdoor dining), plus 1 space for each employee during the peak shift; Greater than 2,000 square feet of gross floor area - 10 parking spaces per 1,000 square feet of net floor area (including outdoor dining), plus 1 space for each employee during the peak shift.
<u>Retails Goods Establishments, Not Elsewhere Classified</u>	2.67 spaces per 1,000 sq. ft. of gross floor area. In B-R and B-4 Districts, first 1,000 sq. ft. exempt
<u>Retail Service Establishments, Not Elsewhere Classified</u>	2.67 spaces per 1,000 sq. ft. of gross floor area. In B-R and B-4 Districts, first 2,000 sq. ft. above the first floor, and first 1,000 sq. ft. on first floor exempt
<u>Rooming or Boarding Houses</u>	1 space per guest room
<u>Schools, Professional or Vocational</u>	1 space for each employee, plus 1 space for each 3 students (Student occupancy is to be defined as the maximum occupancy of the room or rooms used for school purposes as determined by the Zoning Official.
<u>Shopping Centers</u>	4 spaces per 1,000 sq. ft. of gross floor area

SECTION 10: Paragraph B, "Permitted Uses", of Section 7.2, "B-1 General Business Service District" of Chapter 7 of the Zoning Ordinance shall be and is hereby amended to read as follows:

B. Permitted Uses

1. Above-ground storage tanks meeting the requirements of Appendix I
2. Academies
3. Accessory food uses, when accessory to a permitted use.
2. Art studios.
3. Corporate offices.
4. ~~Dry cleaners, off premises plant only~~ Financial institutions, if located entirely above the first story.
5. Government offices.
6. Health and fitness facilities.
7. Licensed massage therapy establishments.
8. Medical and dental clinics.
9. ~~Music conservatory~~ One (1) Billiard table or other table game, as an accessory use to a legal conforming restaurant or tavern.
10. ~~Retail~~ Personal service establishments.
11. Photography studios.
12. Professional offices.
13. Restaurants, carry-out, ~~without drive-through facilities.~~
14. Restaurants, full service, sit-down.
15. Restaurants, quick-serve.
16. Retail goods establishments.
17. Retail assembly and repair establishments.
18. Schools, professional, and vocational and tutoring.
19. Shoe repair shops.
20. Three (3) Electronic Amusement Devices, as an accessory use to a legal conforming restaurant or tavern.
21. Travel agencies.

SECTION 11: Paragraph D, "Special Uses", of Section 7.2, "B-1 General Business Service District" of Chapter 7 of the Zoning Ordinance shall be and is hereby amended to read as follows:

D. Special Uses

1. Accessory food uses, when accessory to a special use.
2. Ambulance services.
3. Automobile repair.
4. Automobile rental.
5. Automobile sales.
6. Billiard Halls.
7. Boat/recreational vehicle sales and service.
8. Car wash, with or without gasoline sales.

9. Churches, community-scale.
10. Day care centers.
11. Dry cleaners.
12. Commercial indoor recreation.
13. Dwelling units, only above the first floor.
14. Equipment rental.
15. Financial institutions, with or without drive-through facilities, if not located entirely above the first story.
16. Flea market, indoor.
17. Funeral homes.
18. Gas stations, with or without convenience marts and/or automobile repair.
19. Hotel or motel.
20. Kennels.
21. Laundromats.
22. Miniature golf.
23. Mini-warehouse.
24. More than one (1) Billiard table or other table game, as an accessory use to a legal conforming restaurant or tavern.
25. More than three (3) Electronic Amusement Devices, as an accessory use to a legal conforming restaurant or tavern.
26. Planned developments.
27. Restaurants, fast food.
28. Restaurants, with drive-through facilities.
29. Stand-alone parking lots or structures.
30. Tavern or lounge.
31. Theaters.
32. Uses which do not meet the required front yard build-to line.
33. Uses with drive-through facilities.
34. Uses with outdoor sales other than those permitted by the general regulations of this district.
35. Veterinary offices.

SECTION 12: Paragraph B, "Permitted Uses", of Section 7.5, "B-4 Village Center District" of Chapter 7 of the Zoning Ordinance shall be and is hereby amended to read as follows:

B. Permitted Uses

1. Academies, with 2,000 gross sq. ft. of floor area or less.
2. Accessory food uses, when accessory to a permitted use.
3. Art or craft schools with 2,000 gross sq. ft. of floor area or less.
4. Art studios.
5. ~~Day spas.~~ Dwelling units, above first floor only ~~at a density not to exceed twelve (12) units per acre.~~
6. Grocery stores with 2,000 gross sq. ft. of floor area or less.
7. ~~Home improvement services.~~ One (1) Billiard table or other table game, as an accessory use to a legal conforming restaurant or tavern.

8. Photography studios.
9. Restaurants, without drive-through facilities.
10. Restaurants, with outdoor dining as an accessory use, provided that an outdoor cafe license is obtained.
11. ~~Retail assembly and repair establishments.~~ Retail goods establishments.
12. Personal Retail services establishments.
13. Shoe repair shops.
14. Theaters with 75 seats or less.
15. Three (3) Electronic Amusement Devices, as an accessory use to a legal conforming restaurant or tavern.
16. Outside display of merchandise is permitted, subject to all of the following:
 - a. Displays shall be maintained in a neat and orderly condition at all times.
 - b. Displays shall be located only on private property.
 - c. Displays shall not be located within an off-street parking area.
 - d. Displays shall only occur during the hours when the business is open.
 - e. Displays shall not cause a hazard for vehicles or pedestrians.

SECTION 13: Paragraph D, "Permitted Uses on Second Story; Special Uses on First Story", of Section 7.5, "B-4 Village Center District" of Chapter 7 of the Zoning Ordinance shall be and is hereby amended to read as follows:

D. Permitted Uses on Second Story; Special Uses on First Story

1. Academies, with more than 2,000 gross sq. ft. of floor
2. Arts or crafts schools, with more than 2,000 gross sq. ft. of floor area.
3. ~~Dance Studios~~ Financial institutions.
4. Health and fitness facilities.
5. Home improvement services.
6. Licensed massage therapy establishments, when not accessory to a permitted use.
7. ~~Martial arts schools~~ Professional offices.
8. Retail assembly and repair establishments.
9. Tailoring shops.
10. Travel agencies.

SECTION 14: Paragraph E, "Special Uses", of Section 7.5, "B-4 Village Center District" of Chapter 7 of the Zoning Ordinance shall be and is hereby amended to read as follows:

E. Special Uses

1. Above-ground storage tanks meeting the requirements of Appendix I.
2. Accessory food uses, when accessory to a special use.
3. Bed and breakfast establishments.
4. Billiards halls.
5. Child day care centers.
6. Commercial parking garages or lots.

7. Community and cultural centers.
8. Day care centers.
9. Dry cleaners.
10. ~~Financial institutions, with or without drive through facilities~~ Funeral homes.
11. ~~Gas stations~~ Governmental offices.
12. Grocery stores with more than 2,000 sq. ft. of gross floor area.
13. More than one (1) Billiard table or other table game, as an accessory use to a legal conforming restaurant or tavern.
14. More than three (3) Electronic Amusement Devices, as an accessory use to a legal conforming restaurant or tavern.
15. Stand-alone parking lots or structures.
16. Planned developments.
17. Plant and garden shops, with outdoor retail sales area.
18. Plazas, parks and green spaces, public or private, other than those accessory to a principal use.
19. Restaurants, with outdoor dining as an accessory use, where an outdoor café license is not obtained.
20. Taverns and lounges.
21. Theaters of more than seventy-five (75) seats.
22. Any outdoor display of merchandise not in conformance with the requirements of Section 7.B above.
23. Any new building or substantial change of use or occupancy of an existing building which would otherwise be permitted in the Village Center District shall not be permitted without a planned development special use permit obtained pursuant to Chapter 11 of this Zoning Ordinance, in the event that:
 - a. The subject building contains in excess of twenty-five thousand (25,000) square feet of floor area (as defined in Chapter 2 of this Zoning Ordinance);
 - b. The site exceeds twelve thousand (12,000) square feet in area and has frontage on three (3) or more streets;
 - c. The site exceeds forty-three thousand and five hundred and sixty (43,560) square feet in area; or
 - d. The subject building includes any drive-up, drive-through, or drive-in restaurants or other drive-up, drive-through, or drive-in facilities.
24. Underground or below-building parking.

SECTION 15: Paragraph P, “Off-Street Parking”, of Section 7.5, “B-4 Village Center District” of Chapter 7 of the Zoning Ordinance shall be and is hereby amended to read as follows:

P. Off-Street Parking

To maintain the inviting, pedestrian-friendly character of the B-4 Village Center District, it is important to coordinate parking areas with the architectural and overall design themes of the buildings and principal uses within the District. It is the intent that off-street parking within the District be accessed from the rear of the lot wherever possible. Shared parking access is strongly encouraged.

1. See Chapter 4, Part II for general regulations governing off-street parking and loading. In addition to the general regulations, the following shall apply:
 - a. Off-street parking and loading shall be permitted in rear yards only.
 - b. Accessory fencing and lighting for off-street parking and loading areas shall comply with Village Center design guidelines and standards, as specified in this Chapter.
 - c. Any building located within the B-4 Village Center District which was constructed prior to January 1, 1982, and which is totally or partially destroyed by fire, casualty loss or an act of God, may be reconstructed to its original size without providing for more parking spaces than existed prior to such destruction, provided that all other applicable requirements of this Zoning Ordinance are met. Furthermore, any building within the Village Center District which was constructed prior to January 1, 1982 may thereafter be subject to a change of use or occupancy which is otherwise in accordance with all applicable provisions of this Zoning Ordinance, notwithstanding the requirements for off-street parking as contained in this Zoning Ordinance, provided, however, that ~~the change of~~ use or occupancy established by such change is to a permitted use only within the B-4 Village Center District.

SECTION 16: Table 7.6, "Summary of Permitted and Special Uses", of Section 7.5, "B-4 Village Center District" of Chapter 7 of the Zoning Ordinance shall be and is hereby amended to read as follows:

TABLE 7.6
SUMMARY OF PERMITTED AND SPECIAL USES

BUSINESS DISTRICTS

LEGEND	PRINCIPAL USES, BY DISTRICT		
	BUSINESS DISTRICTS		
<u>RESIDENTIAL</u>	B-1	B-3	B-4
Dwelling units, only above the first floor	S		P
<u>OFFICE AND RELATED USES</u>			
Corporate offices	P	P	
Financial institutions without drive-through facilities		P	
Financial institutions with drive-through facilities		S	
Financial institutions, if located entirely above first story	P		P

Financial institutions, if not located entirely above first story	S		S
Governmental offices	P	S	S
Professional offices	P	P	P/S*

SALES & SERVICES

Automobile repair	S		
Automobile rental	S		
Automobile sales	S		
Boat/recreational vehicle sales and service	S		
Car washes, with or without gasoline sales	S		
Dry cleaners	S		S
Equipment rental	S		
Flea markets, indoor	S		
Gas stations, with or without convenience marts and/or automobile repair	S		
Grocery stores, 2,000 square feet or less	P		P
Grocery stores, more than 2,000 square feet	S		S
Health and fitness facilities	P		P/S*
Home improvement services	P		P/S*
Kennels	S		
Laundromats	S		
Personal services establishments	P	P	P
Photography studios	P		P
Plant and garden shops, with outdoor retail sales area	S		S
Restaurants, carry-out	P	S	P
Restaurants, fast food	S		
Restaurants, full-service, sit-down	P	S	P
Restaurants, quick-serve	P	S	P
Restaurants, without drive-through facilities	P	S	P
Restaurants, with drive-through facilities	S		S
Restaurants, with outdoor café license	P		P
Restaurant, with outdoor dining and no outdoor café license	S		S
Retail assembly and repair establishments	P		P/S*
Retail goods establishments	P		P
Shoe repair shops	P		P
Tailoring shops			P/S*
Taverns or lounges	S		S
Travel agencies	P		P/S*

INSTITUTIONAL USES

	B-1	B-3	B-4
Academies, 2000 sq. ft. or gross floor area or less	P		P
Academies, more than 2000 sq. ft. gross floor area	P		P/S*
Art or craft schools, 2000 gross sq. ft. floor area or less			P
Art or craft schools, more than 2000 gross sq. ft. floor area			P/S*
Day care centers	S	S	S
Hospitals		S	
Medical and dental clinics	P	P	

Churches, community-scale	S		
Schools, professional, vocational and tutoring	P	P	
Veterinary offices	S		
<u>RECREATION, CULTURAL & ENTERTAINMENT</u>			
Art studios	P		P
Billiards halls	S		S
Commercial indoor recreation	S		
Community and cultural centers			S
Miniature golf	S		
Plazas, parks and green spaces, public or private			S
Theaters, 75 seats or less	S		P
Theaters, more than 75 seats	S		S
<u>MISCELLANEOUS</u>			
Above-ground storage tanks meeting requirements of Appendix I	P	P	S
Accessory food uses, when accessory to permitted uses	P		P
Accessory food uses, when accessory to special uses	S		S
Ambulance services	S		
Bed and breakfast establishments			S
Commercial parking garages or lots			S
Drive-through facilities associated with any use	S		
Funeral homes	S		S
Hotels or motels	S		
Licensed massage therapy establishments	P		P/S*
Mini-warehouses	S		
More than one billiard table or other table game, as an accessory use to a legal conforming restaurant or tavern	S		S
More than three electronic amusement devices, as an accessory use to a legal conforming restaurant or tavern	S		S
One billiard table or other table game, as an accessory use to a legal conforming restaurant or tavern	P		P
Planned developments	S	S	S
Stand-alone parking lots or structures	S	S	S
Three electronic amusement devices, as an accessory use to a legal conforming restaurant or tavern	P		P
Underground or below-building parking			S
Uses which do not meet the required front yard build-to-line	S		S
Uses with outdoor sales/display other than those permitted by the general regulations of the district	S		S

* P/S indicates permitted use if above first floor and special use if on first floor

SECTION 17: Section 11.5, "Planned Development Guidelines", of Chapter 11, "Planned Developments", of the Zoning Ordinance shall be and is hereby amended to read as follows:

11.5 PLANNED DEVELOPMENT GUIDELINES

The following guidelines will be used by the Architectural Review Commission, Plan Commission and the Village Board to evaluate the suitability of proposed planned developments. These guidelines represent sound planning principles which should be incorporated into planned developments. However, it is not intended that each and every one of these guidelines be rigidly conformed to, provided that just cause for any departure from these guidelines is demonstrated.

- A. The planned development shall be consistent with the intent and purpose of this Zoning Ordinance, as stated in Chapter 1.
- B. The planned development shall be compatible with the character of the underlying zoning district and Neighborhood in which it is located.
- C. The planned development should be consistent with the official planning policies and the Village Comprehensive Plan.
- D. The planned development should preserve the value of the surrounding residential area.
- E. Significant physical, topographical, environmentally sensitive or historical features of the site of the planned development, which are of importance to the community, should be preserved.
- F. The entire property proposed for planned unit development treatment shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any lot shall be deemed a violation as to all owners and all lots.
- G. In business districts, the planned development shall be consistent with the Village's specific goal of maintaining and/or increasing the retail sales tax base of the Village. Conversion of an existing use or uses which generate retail sales tax to a planned development use or uses which do not generate retail sales taxes generating sites to non-retail sales generating sites has an adverse effect on the retail sales tax base of the Village. Where a non-retail sales generating use planned development which does not general retail sales tax is proposed on a site currently or most recently occupied by a retail sales tax generating use or uses, substantial evidence shall be provided that the benefits to the community provided by the proposed use are greater than the benefits provided by a retail sales generating use or uses which generate retail sales tax on the site. A first floor non-retail sales generating uses planned development use or uses which do not generate retail sales tax proposed within the B-1 and or B-4 zoning districts as part of larger retail developments shall constitute no more than 20% of the first floor area unless substantial evidence is provided that

the use of more than 20% of the first floor area as ~~non-retail sales generating a use~~ or uses which do not generate retail sales tax is instrumental in allowing the larger retail development to go forward or otherwise enhances in some substantial manner the retail sales tax base of the Village.

SECTION 18: If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Board of Trustees hereby declare that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 19: This Ordinance shall not affect any prosecution pending or any penalty, punishment, forfeiture incurred, cause of action, or rights, powers, or remedies accrued under any ordinance in effect immediately prior to the effective date hereof.

SECTION 20: This Ordinance shall be published in pamphlet form and shall be in full force and effect 10 days after its passage, approval, and publication as provided by law.

SECTION 21: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

PASSED THIS 27th DAY OF February, 2006, BY ROLL CALL VOTE AS FOLLOWS:

AYES: Rustin Reiner, Hunt, Duggan, Miller, Roberts and Anderson

NAYS: None

ABSENT: None

ABSTAIN: None

RECUSE: None

APPROVED THIS 27th OF March, 2006

Karen Y. Darch
Karen Y. Darch, Village President

ATTESTED AND FILED THIS
27th DAY OF March, 2006

D. Z. R.
Village Clerk

(SEAL)

PUBLISHED IN PAMPHLET FORM THIS 27th DAY OF March, 2006.